

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

SEARS HOLDINGS CORPORATION, *et al.*,

Debtors.

)
)
)
)
)
)
)

Chapter 11

Case No. 18-23538 (RDD)
(Jointly Administered)

**ORDER GRANTING COMMUNITY UNIT SCHOOL
DISTRICT 300'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY OR, IN THE ALTERNATIVE, FOR ABSTENTION**

Upon the motion (the “**Motion**”) [Docket No. ___] of the COMMUNITY UNIT SCHOOL DISTRICT 300 (the “**School District**”), pursuant to Section 362(d)(1) of the United States Bankruptcy Code, Federal Rule of Bankruptcy Procedure 4001 and Local Bankruptcy Rule 4001-1, to modify the automatic stay imposed by Section 362(a) of the United States Bankruptcy Code to the extent necessary for the School District to continue to prosecute that certain pre-petition civil action pending in the Circuit Court of Cook County, State of Illinois (the “**Circuit Court**”) styled, *Community Unit School District 300 v. Village of Hoffman Estates, et al.*, Case No. 2018 CH 12683 (the “**Illinois Action**”), or, in the alternative, to abstain from hearing the Illinois Action pursuant to 28 U.S.C. §§1334(c)(1) and (2), as more fully set forth in the Motion; and the Court having jurisdiction to hear and determine the Motion and the relief requested therein pursuant to 28 U.S.C. §1334(a); and consideration of the Motion and the requested relief therein being core pursuant to 28 U.S.C. §157(b)(2)(A), (B), (C), (G) and (O); and venue being proper before the Court pursuant to 28 U.S.C. §1408; and due and proper notice of the relief requested in the Motion having been provided; such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and the Court having held a hearing to consider the relief requested in the Motion (the “**Hearing**”); and upon the record of the

Hearing, and upon all of the proceedings had before the Court; any opposition having been withdrawn or overruled; the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted to the extent set forth herein.
2. The automatic stay imposed by Section 362(a) of the United States Bankruptcy Code be, and hereby is, modified to the extent necessary for the School District and all other relevant parties to prosecute and achieve complete relief and resolution against all defendants including Sears Holdings Corporation, *et al.*, debtors herein, in the Illinois Action.
3. To the extent necessary to implement the relief provided herein, this Court abstains from hearing the Illinois Action.
4. The fourteen (14) day stay under Federal Rule of Bankruptcy Procedure 4001(a)(3) be, and hereby is, waived.
5. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: White Plains, New York
_____, 2018

ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE